conferring the rank of police sergeant on all probationary officers in New York

Assemblyman Sullivan introduced a bill

providing that no telephone company shall charge more for talking from one

Sullivan when he was a member of the

PASSENGERS' BAGGAGE.

Treasury Circular That Is Expected to

Facilitate Examination.

WASHINGTON, Jan. 28 .- The Secretary

of the Treasury to-day sent out to col-

lectors of customs copies of a "circular

to passengers," giving full instructions

as to the law, and regulations affecting the baggage of passengers returning to this country from abroad. The circular is to be mailed under official cover to each

calls attention to the decision of the second

TRUSTEES OF PEABODY FUND.

Special Meeting to Decide on New General

Agent in Place of the Late Dr. Curry.

WASHINGTON, Jan. 27.-The trustees of

the Peabody Educational Fund held a

special meeting at the Arlington Hotel to-day to decide upon the appointment of a new general agent for the board. Chief Justice Fuller presided at the meeting.

and among those present were J. Pierpont Morgan of New York, Samuel A. Green of Massachusetts, James D. Porter of Ten-

nessee, William A. Courtenay of South Carolina, Henderson M. Somerville of Alabama, Charles E. Fenner of Louisiana,

Daniel C. Gilman of Maryland, Senator Wetmore of Rhode Island, Senator Hoar of Massachusetts, Former Secretary of State Olney of Massachusetts, Bishop Doane of Albany and Morris K. Jesup

The last general agent of the board, Dr. J. L. M. Curry, died last February in Asheville, N. C., and at the last meeting

of the board a committee consisting of Senator Hoar, Dr. Gilman and Hoke

Senator Hoar, Dr. Gilman and Hoke Smith of Georgia was appointed to choose his successor. The matter is considered of the greatest importance to the proper distribution of the fund, and it is not ex-pected that a decision will be reached im-

important matters concerning the dis-tribution of funds.

Bills Introduced in the House.

WASHINGTON, Jan. 28 .- Among the bills

introduced in the House to-day were the

following:

By Mr. Small (Dem., N. C.)—To remit tariff duties on articles entering into the building of snips for foreign account or ownership, or of American vessels adapted for employ-

ment in foreign trade.

By Mr. Morrell (Rep., Pa.)—Appropriating.

\$50,000 for the erection in Washington of a monument to the memory of the late Rear Admiral John A. Dahlgren.

By Mr. Berney (Dem., N. J.)—To extend the lien for mariners' wages to the masters of vessels.

the lien for mariners' wages to the masters of vessels.

By Mr. Lamb (Dem., Va.)—Authorizing an appropriation of \$1,200,000 to the Negro Development and Exposition Company of the United States.

By Mr. Van Duser (Dem., Nev.)—A resolution calling upon the Postmaster-General for information as to what extent articles for that Department manufactured by convict labor have been purchased.

for that Department manufactured by convict labor have been purchased.

By Mr. McCleary (Rep., Minn.)—Appropriating \$100,000 for the erection in Washington of a monument to the memory of Abraham Lincoln.

By Mr. Seudder (Dem., N. Y.)—Directing the Secretary of War to submit plans and estimates for a breakwater off and to the west of Horton's Point, Long Island Sound, and for the establishment there of a harbor of refuge: also plans for the dredging of Greenport harbor and Sterling basin.

Counsel for Machen Opens Case for the

Defence.

WASHINGTON, Jan. 28 .- Counsel for the

defence in the Machen-Groff-Lorenz con-

spiracy trial made the opening arguments to-day and placed its first witness on the stand, Miss Ita S. Liebhardt, who was chief clerk to former Superintendent

The contention of the defence is that

legitimate business transactions occurred between the co-defendants, and that this fact was responsible for the "circle of money" from the Groffs to Lorenz and from Lorenz to Machen.

The defence expects to take about a rock and it is not believed the correct and the contract of the correct and the co

be given to the jury before a week from

President Recommends a Site for the

Statue of Kosciusko.

veek, and it is not believed the case

next Saturday.

mediately.
Mr. Green, who has filled Dr.

of New York.

THE RIGHTS OF THE SENATE.

QUESTION ARISES IN CANAL TREATY DEBATE.

Has the Senate, Being Part of the Treatymaking Power, the Right to Demand of the President All Documents Bearing on a Treaty?-Bust of Washington.

WASHINGTON, Jan. 28.-In the Senate to-day a joint resolution was passed accepting a reproduction of a bust of Washington presented by citizens of France and tendering to the donors the thanks of Congress and the American people.

A bill was passed authorizing the Secre tary of the Interior to grant right of way for pipe lines through Indian lands.

Mr. Culberson (Dem., Tex.) called up his resolution calling on the President for any correspondence between the Governments at Washington and Bogota regarding the Hay-Herran and Hay-Bunau-Varilla treaties. A sharp discussion arose over an amendment offered by Mr. Cullom (Rep., Ill.), inserting the usual phrase, "if not incompatible with the public interest."

Mr. Culberson and Mr. Tillman (Dem., S. C.) insisted that the Senate, being a part of the treaty-making power, had the right to all documents in the possession of the President bearing on a treaty. Mr. Tillman declared that the insertion of the phrase was in the nature of a surrender of that right, and he did not wish it included

for that reason. Mr. Gorman (Dem., Md.) denied the charge made by Mr. Cullom that the resolution was the outgrowth of the Democratic caucus, was one calculated for partisan advantage, or that it was an attempt at insinuation that there was information in the President's hands which the Executive and the majority in the Senate were unwilling to make public.

Mr. Gorman went on to argue that the Senate had a right to any information regarding the treaty, quoting numerous precedents for the omission of the phrase. Discussing the Panama treaty, he intimated that there was grave doubt that all the circumstances connected with its negotiation were distinctly honorable, and the information was wanted to make it clear one way or the other. The nations of South America. he said, were suspicious of the good intenons of this Government, and he expressed the opinion that the United States would lose their confidence, and their commerce as well, unless it were made perfectly plain by the publication of all the facts in connection with the revolution and the con-

У,

ales."

A. N.

to

6 P. M.

ronzes

het Ob-

Furni-

others),

f late

aker.

tecutors.

esdav

b. 1 st

lock,

day

tion

Mack

ronzes,

te and

oon

reign

nker.

ning

the

BAZETS,

satied the tur Cuben since a harbo

the

Ivory

mection of this Government with it.

Mr. Spooner (Rep., Wis.) referred sarcastically to the disclaimer of the Senator from Maryland that there was any political motive concealed in the resolution. Every one knew, he said, that the Senator was utterly without guile, but he was afraid some other Senator on the Democratic side might hereafter, if the Republicans declined to pass the resolution without the customary courteous phrase, insinuate that they were actuated by partisan motives.

Mr. Spooner went on to say that the ne-

Mr. Spooner went on to say that the negotiation of treaties was a power conferred exclusively upon the President, and the Senate had no part in that function. He would not imagine the Senate had a right to demand of the Executive all the secret instructions to the Ministers and documents of that character. The President, too, was not the servant of the Senate, and it was not for the Senate to command and it was not for the Senate to command him, except in certain legislative directions, such as the execution of the laws, &c. It was therefore perfectly proper for the President to withhold any papers concern-ing any phase of the negotiations of a treaty when in his opinion the public in-terest would not be served by transmitting them. He contended that the papers called for in part by the resolution referred to the Hay-Herran treaty, which was dead, killed at Bogota, and not in any way under consideration now, and the Senate could not put forth the plea that they were necessary to the ratification of the pending

pending treaty could not be acted upon intelligently without all the facts conintelligently with nected with both.

Mr. Spooner did not believe there was a single scrap of paper in the State Department bearing on the canal question which would not be sent to the Senate by the President, and repelled the insinuation that there was anything to conceal in re-gard to the negotiations of the revolution. The pages and the employees of the Senate Library were kept busy for an hour or more furnishing books for the citation of precedents as to the action of the Senate the use of the phrase "if not incompati-le with the public interest," and of the President's right to refuse information. and the desks of Senators Gorman, Bacon, Mitchell, Lodge, Spooner, Aldrich and Cullom were piled with them. Precedents on both sides of the question were read by those Senators. Some of them went as far back as the Administration of President Washington.

Mr. Lodge, after quoting numerous precedents, asserted that the Senate might legally call upon the President for papers in connection with a treaty, but the President had an equal right legally to withhold ection with a treaty, but the any that in his judgment would in any way affect the public welfare. The resolution under consideration, without including the phrase, was not only lacking in courtesy, but was in the nature of a demand, and he did not think it was a good thing to adopt demand unless there was power to en-

Mr. Bacon (Dem., Ga.) made a long argument to maintain the right of the Senate to demand information of the President. Spooner replied, taking the position that in all requests of the President for information in its nature confidential the Senate should invariably insert the proviso "if in his judgment not incompatible with the public service." Courtesy and fair dealing required this, and the President hould not be placed in the position of being compelled to refuse information asked for by the Senate, when the transmission of such information would be injurious to the public interests.

The Senate unanimously agreed to take a vote on the Culberson resolution to-mor-

Mr. Proctor (Rep., Vt.) offered an amendment to the Army Appropriation bill appropriating \$135,000 for the purchase of 26% acres adjoining Fort Totten, L. I., lying between the post and Bell avenue, the land being required for the sanitation and enlargement of the post and as a proving ground for the school of submarine defence.

Mr. Lodge (Rep., Mass.) introduced a bill to equalize the pay of retired officers of the line, engineer, medical and pay corps of the navy with officers of corresponding tank on the retired list of the army.

MORALES RECOGNIZED.

We Assume Relations With the Provisional Government of Santo Domingo.

Washington, Jan. 28.-In response to an nquiry, W. L. Howell, United States Chargé d'Affaires at Santo Domingo city, has informed the State Department that be has recognized the provisional government of the Dominican Republic under President Morales. The Department has decided to let this recognition stand. There vas a disposition on its part not to lize the Morales government, but in view of Mr. Powell's action an opportunity will be given that government of showing that it is deserving of the friendship of the United

Senor Sanchez, Morales's Minister Foreign Affairs, who was accredited to the United States as Minister, had an interview with Acting Secretary of State Loomis today. The features of the claim of the Santo Domingo Improvement Company of New York against the Dominican Republic, which is now being arbitrated, were dis-sussed. It is supposed that the principal Dusiness of Senor Sanchez in this country a to raise money for his government.

LAUGHTER IN THE HOUSE.

Republican Humorist From Minnesot Who Was Once a Democratic Officeholder. WASHINGTON, Jan. 28.-The House today went into Committee of the Whole on the Urgent Deficiency bill, and Mr. Benny (Dem., N. J.) addressed the committee in defence of Mr. Bryan.

Mr. Bede (Rep., Minn.) made a seriocomic political speech in which he invited the Democratic party to disband, come into the Republican party and thus make an era of good feeling. He said that Roosevelt was sure to be reelected and that the Democrats would be in better condition four years hence if they should unite with the Republicans and make his election unani-

Democrats taunted Mr. Bede with the fact that he had once been a Democratic officeholder, to which Mr. Bede made humorous reply. He told a number of stories illustrative of his argument, which con-vulsed the House with laughter many times. The only opposition to Roosevelt, he said came from the Populists of Wall Street e called them Populists, he said, because

he called them Populists, he said, because they deal in flat.

Mr. Richardson (Dem., Ala.) attacked the provision of the Deficiency bill to pay members mileage for the regular session of Congress.

Mr. Lamar (Dem., Mo.) discussed the tariff question from a Democratic stand-

Mr. Hill (Rep., Conn.) debated the finan-cial question and made an argument for

currency reform.

Mr. Ridder (Dem., N. Y.) advocated the construction of an Isthmian canal.

Mr. Baker (Dem., N. Y.) renewed his attack upon Boss Cox of Cincinnati and sked to insert additional remarks on the subject in the Record.

Mr. Palmer (Rep., Pa.) objected, where-

mr. Falmer (kep., Fa.) objected, whereupon Mr. Baker gave notice that no more
Republican speeches would be extended
in the Record under unanimous consent
while he was in the House.

Without concluding consideration of the
Deficiency bill the House adjourned until

STATUS OF DR. CRUM.

Secretary Shaw Says He Is "De Facto Col-

lector at the Port of Charleston." WASHINGTON, Jan. 28.-Secretary Shaw to-day, in a letter to President Frye of the Senate, replied to the resolution of inquiry concerning the official status of William D. Crum (colored), collector of the port of Charleston, S. C. Secretary Shaw admits that Crum was reappointed on Dec. 7, the date when the extraordinary session of Congress ended and the regular session begun, but he does not make clear whether the appointment was made during the constructive recess." The letter says:

"constructive recess." The letter says:

William D. Crum was appointed Collector at the port of Charleston, S. C., March 20, 1902, and a temporary commission issued. Mr. Crum oualified by executing a bond for \$50,000, and took the oath of office March 30, 1903. Mr. Crum was again appointed Dec. 7, 1904, and has given bond in the sum of \$50,000, and took the oath of office on Jan. 9, 1904. There has been no third appointment and no fourth appointment. The same information is contained in a letter to the Hon. B. R. Tillman, under date of Jan. 8, 1904, and which appears in the Congressional Record of Jan. 25, 1904.

The resolution asks: "Is Mr. Crum now in office, and, if so, under what authority of law?" William D. Crum is de facto Collector at the port of Charleston, S. C. Whether he holds his position under authority of law is determinable, not by the executive department of the Government, but by the judiciary, and by that only. He is not receiving pay because of the provisions of section 1761.

NATIONAL CORPORATION LAW It Provides That Rusiness Corporations Shall Be Organized by Congress.

WASHINGTON, Jan. 28.-Representative McDermott (Dem., N. J.) to-day introduced in the House a joint resolution providing for an amendment to the Constitution which shall stipulate that no State shall create or authorize the creation of any corporation to engage outside the terri torial jurisdiction of such State for profit treaty.

Mr. Tillman (Dem., S.C.) differed from Mr.

Spooner on both propositions. The HayHerran and the Hay-Bunau-Varilla treaties
both concerned the canal question, and the
product treatry equild not better divisions. corporations may be organized to engage in business in two or more States and foreign countries, and under which all

foreign countries, and under which all corporate power so conferred may be regulated, controlled and forfeited.

The bill also provides that Congress shall make laws for the reorganization of all corporations now existing under the laws of any State and authorized to carry on compress barond the territorial jurisdication. commerce beyond the territorial jurisdiction of the State.

GEN. REYES SAILS TO-MORROW. He Goes to Barranquilla and Thence Proceeds to Bogota.

WASHINGTON, Jan. 28.—Gen. Rafael, the special Colombian envoy to the United States, who left Washington after informing Secretary Hay that his Government would invade the Isthmus of Panama, has sent word from New York to Dr. Thomas Herran, the Colombian Chargé d'Affaires here, that he will sail on Saturday on the steamer Valencia for Barranquilla, and on his arrival there will proceed immediately to Bogota. Reports from the Isthmus to the Navy Department say that quiet prevails and the marines are engaged in obtaining information that will be valudable in the event of land operations. Navy surveying parties are busy also. There is one case of yellow fever at Panama, but it is causing no un-

SERVICE PENSION BILL NO. 2.

It Gives 88 a Month for 90 Days, \$10 for Two Years and \$12 for Three Years.

WASHINGTON, Jan. 28.-Representative Loudenslager (Rep., N. J.) to-day introduced a service pension bill. It differs from the Sulloway bill in that it provides a pension of \$8 a month to all soldiers of the army and sailors of the navy who served ninety days during the War of the Rebellion, \$10 to those who served two years and \$12 to those who served three years and have reached the age of 62 years.

It also provides that all widows of sol-

diers or sailors shall receive pensions at the rate of \$10 a month, excepting those who are widows of soldiers or sailors who would be entitled to draw \$12 a month, and these are to draw the \$12.

Diplomatic and Consular Bill.

WASHINGTON, Jan. 28 .- Chairman Hitt of the Committee on Foreign Affairs to-day the Committee on Foreign Analis to-day reported to the House the Diplomatic and Consular Appropriation bill, which carries an expenditure of \$1,996,600, an increase of \$28,350 over the law of last year. Of this increase \$12,000 is on account of service in Panama and \$11,000 incident to the establishment of these consular posts in tablishment of three consular posts in Manchuria. Increases are made in the

Promotions in Revenue Cutter Service. WASHINGTON, Jan. 28 .- The President to-day sent to the Senate the following nominations:

alaries of thirteen Consul-Generals and

Revenue Cutter Service—To be a Captain, First Lieut. Percy W. Thompson; to be a First Lieutenant, Second Lieut. Walker W. Jaynes; to be chief engineers, with rank of First Lieutenant. First Assistant Engineer Horatio N. Wood and First Assistant Engineer John Q. Walton.

Leave Granted Fifty-two Midshipmen. WASHINGTON, Jan. 28 .- Leave has been granted to fifty-two of the graduating class of midshipmen at the Naval Academy, and two of them, Midshipman E. O. Fitch, Jr., and R. B. Hilliard, have been ordered to the Santee.

Guests of the President.

WASHINGTON, Jan. 28 .- Secretary Root and Gov. Taft. Mr. Root's successor in the War Department, were guests of President Roosevelt at luncheon to-day.

has in a number of instances upheld the decisions of the lower court, but at the same time has said it would have reversed the decisions had it been empowered to review the facts. The cases, as a rule, are referees' reports which have been confirmed by the lower courts.

Assemblyman Adams introduced a bill conferring the rank of police sergeant. DAMES AND DAUGHTERS LOBBY

FIGHT FOR POSSESSION OF THE JUMEL MANSION.

The Legislature Besieged by Members of the Two Patriotic Organizations-The Dames Win in the First Skirmish -Raid on the New York City Treasury.

ALBANY, Jan. 28 .- There is woe in the hearts of the legislators. They are up against a very difficult proposition. It is not a matter of mortgage taxation. Neither is it how they shall vote on the question of the Sunday opening of saloons. The Governor's canal bonding scheme pales into insignificance as compared with this momentous matter. The trouble is that both the Colonial Dames of America and the Daughters of the American Revolution have established headquarters in this city. and have already instituted a vigorous lobby. To-day the Daughters got in their fine work among the Assemblymen, having surrendered the Senate to the Dames. The Dames, therefore, came over to the lower house, and are mapping out a path over which they hope to march to victory. Within the next few days the Assembly chamber is to be the scene of the greatest of all battles-between the Dames and the Daughters-and the Assemblymen now wish the Jumel mansion had been destroyed when the British withdrew their army from New York in 1783 or that Washington had taken some other place for his headquarters.

The fight being waged between these two patriotic organizations for the possession of this mansion is one of the most interesting that has ever come before the Legislature. So far the advantage is all with the Dames. To-day the Senate advanced their bill, introduced by Senator Grady, to a third reading, and it probably will be passed early next week. None of the Senators has taken cognizance of the claims of the Daughters.

To-day Assemblyman Newcomb's bill, giving the mansion to the Daughters, was introduced. It was referred to the Assembly Cities Committee. When the Grady bill passes the Senate both measures will be in the possession of the Assembly. Mr. Newcomb is a member of the Assembly Cities Committee. He said that when he promised to introduce the Daughters' bill it was from a spirit of merriment. But he realizes it is a serious matter now, or at least he regards it as such

Mr. Newcomb has a habit of saying that any bill that he introduces will pass. There are 150 members of the Assembly. Mr. Newcomb is one of that 150. Therefore it is hard to see where his claims for so much assurance come in. When he was in the lower house two years ago the name of Newcomb attached to any legislation did not have any apparent magical effect. Then, however, Mr. Newcomb was posing as an out-and-out Citizens' Union man. He says he knows better now. Senator Grady says his bill will pass the

Senate. Mr. Newcomb says he will not permit the Grady bill to pass the Assembly. The chairman of the Assembly Cities Committee is Jean L. Burnett of Canandaigua. Mr. Burnett has in the past shown that when it comes to dealing with matters of legislation before his committee he can use pretty fine judgment, and therefore it would not be at all surprising for the un-expected to happen and the Grady bill come out of the committee.

But the members of the Assembly are puzzled as to how they can best appease the charming women who are advocating the claims of both organizations. If they don't pass either bill the Dames will be angry, base either bill the Daines will be angry, because the Daughters are now in possession of the Jumel mansion, and, therefore, the Assembly chamber gives promise of being the scene of a battle that will make the battles of Monmouth and Yonkers tame

in comparison.

To have New York city pay a sum of money that will be but little short of \$2,000,-000 is the object sought in a bill introduced simultaneously in both branches of the Legislature by Senator Keenan and Assemblyman Sullivan, Democrats, who hall from Queens borough. The volunteer firemen of Richmond and Queens boroughs now want the city to pay them for services rendered since the creation of the city, six years ago. Bills of this character have always been looked upon as containing something good for somebody other than those who are to be directly benefited.

A few years ago the volunteer firmen

A few years ago the volunteer firemen in the former towns of Kings county managed to have a bill similar to the one introduced to-day passed. The Board of Estimate and Apportionment under Mayor Van Wyck's administration adjusted the claims at the rate of \$6 a month, and the total amount paid was something over \$700,000. Of that amount the attorney who pushed the bill received a generous proportion; hence the measure to-day is looked upon as a good thing for somebody besides the claimants if it should go through.

In Queens county alone there are over 1,500 volunteer firemen who would benefit by this bill, and as the bill authorizes the Board of Estimate and Apportionment to settle their claims for six years past it can be seen that over \$1,000,000 would be involved by the bill for that borough alone, without taking into consideration the claims of the volunteer firemen of Rich-mond borough. At the time that the Greater City bill went into effect the only paid fire department was in Long Island

ity.
Not satisfied with providing for the payment for services supposed to have been already rendered, the bill also provides for the practical establishment of a paid de-partment out of the volunteer forces now in existence in the counties, with the ulti-mate intention of placing the members in the regular city fire department. The bill authorizes the Board of Estimate and Apportionment to fix an annual compensation for the members of the volunteer forces in the two counties who may render service as such in extinguishing fires or hold them-

Assemblyman Sullivan, who is a member of the volunteer fire force, said that the bill, instead of imposing a burden upon the city, would in reality save it a large sum of money in that it would do away with the necessity of establishing the regular department in the portions of Queens county in which it does not now exist Senator Russell's bill to compel the

comfortable heating of elevated and street surface railroad passenger cars in cities of the first class was reported favorably in the Senate to-day from the Committee on Codes. The original bill was defectively drafted, so the committee reported a new bill. It adds a new section to the Penal Code, which applies only to roads that are not propelled by steam power. The bill makes it a misdemeanor for any street or elevated railroad company to have its cars heated at a temperature less than fifty

degrees.
Senator Russell also introduced a bill which provides for the election of three additional city court Justices in New York city. He also put in his bill of last year providing for inspection of oyster and shell fish beds. Senator Elsberg introduced a bill per-

mitting the court to strike from the primary rolls the names of persons who have died, removed from the district or whose names

removed from the district or whose names were enrolled illegally.

Senator Martin's bill incorporating the Personal Property Loan Company of New York city was reported favorably by the Senate Judiciary Committee. The directors are: James Burrell, Alexander P. Dyle, Malcom W. Niver, John J. Fenton and Robert B. Nooney.

At the request of William D. Hornblower of New York city, Assemblyman Fish has introduced a bill amending the Constitution so as to give the Court of Appeals right to review the facts in all cases that come before that court. At present the court cannot review facts where the Appellate Division has unanimously confirmed the facts in the case. The Court of Appeals

GOV. ODELL CHANGES FRONT

NOW SAYS HE DOES NOT FAVOR SUNDAY OPENING BILL.

Assemblyman Newcomb Intimates That He Drafted It to Meet Governor's Views-A Legislative Leader Says Gov. Odell Knew It Was Being Called His Bill shall charge more for talking from one borough to another in New York city than is charged between places in the same borough for a five minute conversation.

Assemblyman Wallace has introduced the bill of last year fixing the compensation of armory employees in New York and Brooklyn at \$3 a day instead of \$2.

Assemblyman Remsen (Rep., Kings) will once more try to secure better pay for

ALBANY, Jan. 28.-Gov. Odell has backed and filled again. Owing to the opposition of the Anti-Saloon League and the up-State rural legislators to the Newcomb Sunday opening of saloons bill for New York city, the Governor has said that he does not favor the bill and that he tried to dissuade Mr. Newcomb from introducing it. Mr. Newcomb neither denies nor affirms this. He says:

Assemblyman Remsen (Rep., Kings) will once more try to secure better pay for the prison keepers of New York city. He has reintroduced his bill grading the keepers into five grades. The first grade keepers shall receive a salary of \$1,200; second, \$1,100; third, \$1,000; fourth, \$900; fifth \$900; "I have but three things to say: First, I will call attention to what the Governor Assemblyman Hewitt (Rep., Cayuga) stands sponsor for the first anti-cigarette bill of the session. This was the favorite corporation valentine of "Little Tim" says on the subject of home rule in his message and also that this bill has the approval of the New York county Republican legislative delegation; second, this bill is going to pass; third, this bill was shown to Chairman Halpin of the executive committee of the New York county Republican committee, and it has his approval."

While none of the legislative leaders believes the Newcomb bill has the remotest chance of passing, yet they are amused at the seriousness with which it is being taken, and especially by Gov. Odell. Said one of them:

"The Governor knew from the first day of the session that this bill was being called his bill. The impression was permitted to go forth that Assemblyman Newcomb was drawing the measure to meet the ideas of the Governor in this direction.

person registered as sailing on foreign bound vessels from American ports, the address being on the list furnished by the agents of the steamishp lines. It is the expectation of the Treasury Depart-ment that the distribution of this circular will greatly facilitate the expensation "Gov. Odell did not then cause it to be will greatly facilitate the examination of passengers' baggage at the port of New York, and that there will be much less published that he was not behind the bill and that he was trying to prevail upon the introducer not to introduce it. It is friction in enforcing the law.

The circular advises passengers on many points regarding the law and the my opinion that had the Governor told Mr. Newcomb a week or so ago not to introduce that bill it would not have made its appearance. Mr. Newcomb would have then known that even should the bill pass the Legislature it would not be enacted into a law, as it would not meet with executive approval. But the Governor need regulations, and tells them how they can, by preparation before landing, greatly facilitate the customs inspection, both in their own interest and the interest of the Government. Among other things pastive approval. But the Governor need not have any fears. We will save him the pain of having either to veto or sign the Newcomb bill. It will never reach him in the shape of a bill that has received sengers are requested to prepare in advance of landing a list of articles contained in their personal baggage and to hand that list to the inspectors on the wharves. They are also advised to preserve the receipts for money paid for articles purchased while abroad. the sanction of the two branches of the State Legislature."
The Governor's desire to have it known

Secretary Shaw also made public to-day the text of a letter sent by him on Jan. 7 last to the Collector of Customs at New York. In this letter the Secretary that the bill is not favored by him came somewhat as a surprise. When spoken to concerning the Sunday opening question previous to the introduction of the bill previous to the introduction of the bill he evaded giving any expression of his views on the subject. But the Anti-Saloon League yesterday issued a statement in which the Governor was severely criticised circuit Court of Appeals in the famous pearl necklace cases." He adds the following explanation of the law relating lowing explanation of the law relating to passengers' baggage:

A resident of the United States, returning thereto, is entitled to bring with him, free of duty, personal effects taken aboard by him as baggage, provided they have not been remodelied or improved abroad so as to increase their value, and in addition thereto articles purchased or otherwise obtained abroad of a total value not exceeding \$100. Such articles may be for the use of the person bringing them or for others, but not for sale.

Customs officials are instructed to inquire into the bona fides of the journey and the actual ownership of the goods. Either the presence of an unusual amount of any class of highly dutiable merchandise, or frequent and hasty journeys, is sufficient to raise the presumption of bad faith. Such cases will be subjected to most careful scrutiny and prosecution. for his position, and especially as he had never disavowed before that it was his bill. But the Governor has shown more than once that he is good at changing front and can shift his attitude to suit the ex-

igencies of the situation.

Some members of the New York Some members of the New York city delegation are not inclined to look with favor on Mr. Newcomb's bill, and they think Mr. Newcomb is taking a good deal upon himself to say that the upon himself to say that the measure is the New York county delegation's bill. Assemblyman Perham, who is Senator Elaberg's Assemblyman, says he never saw the bill that was introduced and he is not for it. He also says that when it comes to speaking for the Twenty-ninth New York Assembly District he is the one to do it and he will not delegate that authority

to any self-constituted leaders.
Senator Elsberg was approached by
Mr. Newcomb in regard to the bill, but he
did not approve or disapprove of it. He asked to be permitted to see a copy of the measure, but Mr. Newcomb introduced it without showing it to him, and it is not thought that he looks with favor upon it.

While Mr. Newcomb has not said that he introduced the bill with the Governor's approval, yet he has permitted the impression to be drawn that such was the case. He admitted that he had shown the bill to

not be approved of."

In view of this statement, Gov. Odell's latest denial is considered in connection with its source. But it is in keeping with the way he has wiggled out of other dilemmer.

dilemmas. Mr. Newcomb, in discussing to-night his reasons for not making public before to-day ex-Mayor Low's letter to him regarding local option, intimated that in view of Gov. Odell's repudiation of the bill introduced by him he thought this was the moment to publish Mr. Low's views on the question to neutralize the effect of the Governor's attitude. He said Mr. Low's letter plainly showed that he favored the main idea of the Newcomb bill to legalize the sale of liquors on Sunday in the back rooms of saloons, customers to use the side doors, as the only remedy to stop police

place since the latter's death, will serve until next October. Mr. Green was de-sirous of being relieved of his duties, but was prevailed upon by his fellow trustees According to Mr. Green, no decision was reached to-day by the trustees as to any FOR COMMISSIONER BAKER. Brotherhood of Locomotive Engineers

Recommends His Reappointment. ALBANY, Jan. 28.-The legislative committee of the Brotherhood of Locomotive Engineers to-day adopted a resolution thanking President Roosevelt for having appointed W. H. H. Webster of Buffalo, a member of the Brotherhood, as Consul at Niagara Falls, Ont.

The engineers afterward visited Gov. Odell at the Capitol and were introduced by Chairman Jerry Harris, who told the Governor that the Brotherhood was particularly interested in the molecular of Cartesian Control of Cartesian ticularly interested in the welfare of State Railroad Commissioner Baker and wanted

him reappointed.

Gov. Odell tried to convince the engineers that he did all that was in his power for Commissioner Baker by reappointing him, and said that it was not his fault that the

Senate had not confirmed the nomination. Gov. Odell's Reception to the Legislature ALBANY, Jan. 28.-The annual legislative reception was given at the Executive Mansion to-night. Seven thousand invitations had been sent out to legislators, State officers, Judges, representatives of Republican county committees, and to personal friends of the Governor, and the mansion was of the Governor, and the mansion was thronged from 9 to 12 o'clock. The guests were received by the Governor and Mrs. Odell and wives of the State officers, assisted by Major H. K. Bird, the Governor's military secretary. Chairmen Charles H. Murray. William Halpin, Mr. Ten Eyck, and Deputy Excise Commissioner Healy of the New York county Republican committee attended the recention. The memmittee attended the reception. The members of the Governor's military staff were present, as well as many National Guard officers.

Court of Appeals Judges Visit the Governor. ALBANY, Jan. 28 .- The Judges of the Court of Appeals paid their annual visit to the Governor at the executive chamber to-day. The Judges were clad in the robes of office and were headed by Chief Judge Parker, the others in the party being Judges Gray, O'Brien, Bartlett, Haight, Vann, Cullen and Warner. Judge

Rochester Gets G. A. R. Encampment ALBANY, Jan. 28 .- The council of administration of the State G. A. R. decided to-day to hold the annual encampment in Rochester on June 14, 15 and 16 next. President Knapp of Saratoga Springs invited the council to fix upon that village. The Rochester boomers were headed by H. S.

State Medical Society Elects Officers. ALBANY, Jan. 28 .- The State Medical Society to-day unanimously elected Dr. Hamilton D. Wey of Elmira, president, and Dr. Joseph D. Bryant of New York, vice-president, and reelected Dr. F. C. Curtis and Dr. O. D. Ball of Albany, as

HELD UP ON ELEVATED STAIRS. Old Man Attacked by Two Men, With On

of Whom He'd Been Chatting. Two robbers held up William G. Gessner, a retired builder, 74 years old, on the stairs of the elevated railroad station at Tremont and Third avenues early yesterday morning.

The robbers grabbed a \$100 diamond stud from his shirt front and were trying to go through his pockets when George Hoffman, the ticket chopper, scared them off. Gessner lives in Boscobel avenue near

Jerome avenue, and was riding home when a man who sat next to him began talking to him. They chatted away until the train stopped at the Tremont station, when Gessner started to leave. The stranger said that

that was his station, too. He took Gessner's arm, saying he would help him downstairs lest he slip. Gessner looked up when they got to the

first landing and noticed a young man behind, who sprang forward at a signal from the talkative man. The two bore him to

When the younger robber was trying to get his hand in Gessner's pocket, where he had something like a hundred dollars, the old man broke away and yelled for help.

The ticket chopper started down the stair.

to his assistance, when the robbers ran down the stairs and disappeared. Gessner went to the Tremont police station and left a description of the men and told of his LITTLE CHANGES BY M'ADOO.

Old Style Badges for Some Cops and More Roundsmen's Books.

After a conference with Inspectors Cortright and Brooks, Police Commissioner McAdoo yesterday ordered that the eld style shields be restored to sergeants, detective sergeants and roundsmen. Gen Greene, when he numbered the patrolmen's shields with big figures, had the badges of the other members of the force below the rank of captain fixed the same way. The Central Office sleuths, the sergeants and the roundsmen complained that the new shields were too big. Further more, they figured that the big figures were an insinuation against their honesty.

The Commissioner also issued an order yesterday abolishing the "Roundsmen's Book." This was another innovation of the reform administration. A rounds-man had to carry a sort of diary in which he recorded the time and place of meeting

the other men on the force.
In abolishing this plan Mr. McAdoo said
yesterday that he thought it unnecessary. inasmuch as the roundsman was expected to note any neglect of duty any way and that he therefore need not be bothered with keeping an account of the work that was done properly.

The Commissioner also issued an order calling the attention of the force to the rules of the department regarding conversation with other policemen and civilians.

MONEY IN THIS BILL?

Permits Savings Banks to Invest in Bonds of Utica, Clinton and Binghamton R. R.

ALBANY, Jan. 28 .- Senator Townsend of Utica to-day introduced a bill permitting savings banks to invest in the bonds of the Utica, Clinton and Binghamton Railroad Company. Mr. Townsend said the bonds were guaranteed by the Delaware and Hudson Company, of which Edward H. Harriman is a director. Representative James S. Sherman of Utica, who is a member of Gov. Odell's "Tapeworm." Club, is a director of the Utica, Clinton and Binghamton Railroad Company. There are \$800,000 of the bonds, issued in 1889 for 50 years, and the y bear interest at the rate of 5 per cent.

This bill is a departure from the established rule, which does not permit savings banks to invest in the bonds of any railroad the stock of which has not paid a four the Governor, and he added:

"I am not foolish enough to introduce a bill which I know before introduction will hamton Railroad pays a dividend of 334

per cent.
This railroad company owns a steam This railroad company owns a steam road thirty-one miles long between Randallsville and Utica, and another thirteen miles long between Clinton and Rome, which is operated by the New York, Ontario and Western Railroad. It also owns eighteen miles of electric road in and about Utica, which is operated by the Utica and Mohawk Valley Street Railroad Company.

Valley Street Railroad Company. Legislation permitting savings banks to invest in such bonds as these usually enhances their value from ten to twenty points. hances their value from ten to twenty points. It is said that certain persons have been buying up the bonds of this railroad in anticipation of the passage of this bill by the Legislature. A close political friend of Mr. Sherman received \$50,000 for putting through the Legislature a few years ago a bill to permit the savings banks of New York State to invest in the legisla of a Wes-York State to invest in the bonds of a Western railroad.

MISS MORRISON LIBEL SUIT. Alleges Libelious Use of Her Photograph

in an Advertisement. ALBANY, Jan. 28 .- Lillian Coleman Mor rison, a Chicago actress, is suing publishers Street & Smith of New York for the alleged libelious use of her photograph for advertising purposes. The case was argued here before the Court of Appeals to-day on Miss Morrison's appeal from adverse decisions in the lower courts. She seeks to recover \$10,000, alleging that her photograph appeared in Ainslee's Magazine in connection with a suggestive

advertisement of the publishers. The advertisement in question reads as follows: Illustrated new book. Up to date. The experience of a giddy typewriter girl in New York, typewritten. Good is no name for it. Sent in plain wrappers, &c.

The use of her picture in connection with this advertisement is alleged by the plaintiff to be libellous as indicating that she was the heroine of the adventures hinted. at. There is no complaint on the ground of violated privacy. The lower courts decided against the plaintiff on the ground that the wording of the advertisement was not libellous per se.

Charges of Cruelty at Manhattan State Hospital Not Sustained.

ALBANY, Jan. 28 .- The State Commission on Lunacy has approved of a report on an I investigation of charges made by a New York newspaper of ill-treatment of patients by certain attendants at the Manhattan State Hospital. The report, which was submitted by the superintendent of the institution, says that the investigation did not develop any testimony that substantiated the charges.

WASHINGTON, Jan. 28 .- The Senate Mili tary Committee to-day made a favorable report on a bill to prevent the desecration of the American flag by its use for advertising purposes, by making such act a dismeanor, punishable on conviction by a

To Prevent Desceration of the Flag.

States flag or coat of arms Estimates for Subig Bay Naval Station WASHINGTON, Jan. 28 .- Secretary Moody to-day sent to the House estimates for beginning the work on the naval station at Olongapo, Subig Bay, aggregating \$842,400, of which \$508,000 is for a coaling plant. The Department proposes to send 125,000 tons of coal to this plant, which will cost when completed \$1,350,000.

BEAUTY OF SKIN PURITY OF BLOOD

Ancient and Modern Ideas on These Interesting Subjects.

UP-TO-DATE METHODS

For Purifying and Beautifying the Skin, Scalp, Hair and Hands.

Socrates called beauty a short-lived tyranny, Plato a privilege of nature, Theocritus, a delightful prejudice. Theophrastus a silent cheat, Carneades a solitary kingdom, Homer a glorious gift of nature, Ovid a favor of the gods. Aristotle affirmed that beauty was better than all the letters of recommendation in the world, and yet none of these distinguished authorities has left us even a hint of how beauty is to be perpetuated, or the ravages of age and disease defied. Time soon blends the lily and the rose into the pallor of age, disease dots the fair face with cutaneous disfigurations and crimsons the Roman nose with unsightly flushes, moth, if not rust, corrupts the glory of eyes, teeth, and lips yet beautiful by defacing the complexion,

and fills the sensitive soul with agony.
If such be the unhappy condition of one afflicted with slight skin blemishes, what must be the feelings of those in whom torturing humors have for years run riot, covering the skin with scales and sores and charging the blood with poisonous elements to become a part of the system until death? It is in the treatment of torturing, disfiguring humors and affections of the skin, see p and blood, with loss of hair, that the Cuticura remedies have achieved their greatest success. Original in composition, scientifically compounded, absolutely pure, unchangeable in any climate, always ready, and agreeable to the most delicate and sensitive, they present to young and old the most successful curatives of modern times.

FEAR FOR TRINITY SPIRE

SUBWAY DIGGERS WARNED THAT THEY MAY UNDERMINE IT.

Digging Stopped Till Safety Measures Can Be Taken, After a Letter From the Church Corporation to R. T. Board-No Proper Precautions Taken, Letter Says.

The officers of Trinity Corporation are fearful that the subway excavations in lower Broadway will endanger the safety of the tower of Trinity Church. At yesterday's meeting of the Rapid Transit Commission a letter was received from the corporation pointing out that the foundations of the tower are only nine and one-half feet below the flagging in front of the church.

The excavations for the subway being considerably below that point will, in our opinion, endanger the stability of the tower, and owing to the depth of the subway trenches and the character of the soil in that section, we believe there is great danger to the ground, not only under the tower, but also along the Broadway front of the churchyard. We Broadway front of the churchyard, We do not consider that adequate precautions are being taken to protect the tower, and must respectfully request that immediate steps be taken to secure the stability of the tower against damage, and to provide for safe maintenance of the soil beyond the possibility of disturbance or of the slightest provent.

movement. Chief Engineer Parsons said that in conjunction with engineers employed by Trinity Corporation he was determining on plans for safeguarding the tower. New plans were being worked out carefully, and in the mean time no excavation work would be done near the church. "This letter states that the excavation

work has not been done properly," President Orr remarked.
"I imagine that statement was put it

the letter to provide a basis for a possibly suit by the Corporation, "said Mr. Boardman, of counsel to the board. of counsel to the board.

"I am anxious about this matter." Mr. Orr continued: "I know that the soil beneath the tower is all sand. That is why I have felt that there is cause for uneasiness, not to say anxiety."

The letter was referred to Mr. Parsons for report. Comptroller Grout said he wanted to have an official report from the Chief Engineer so that it could be made a Chief Engineer, so that it could be made a record should suit be brought by the Cor-

poration. WAYOR HARRISON MAY SUE.

Friends Urge Him to Seek Damages for Iroquois Fire Arrest.

CHICAGO, Jan. 27 .- Mayor Harrison may sue Coroner John F. Traeger for damages for false arrest. Pressure to that end is being brought by the Mayor's friends. He is also being urged to retaliation by his political associates. They are angry over the stigma put upon the Mayor. On Sunday afternoon the Chicago Democratic Club will meet and at that time the Mayor's course may be decided upon.

Release from the findings of the Coroner's jury in the froquois fire inquest may be had by each of those held to the Grand Jury, and all those beld may prosecute Coroner Traeger for false arrest, if an opinion of Corporation Counsel Tolman, expressed to-day, is sustained. Mr. Tolman held that the warrants under which the eight persons were taken into custody were illegal, because they did not specify the charge for which the persons were arrested. He declared that the Coroner's jury overstepped its jurisdiction in holding persons not charged with murder or man-slaughter.

The first personal injury suit resulting

from the Iroquois Theatre fire was filed in the Circuit Court to-day. The plaintiff is Miss Lillian Ackermann, 16 years old who was in the theatre in company with seven friends, three of whom were killed She carried a child, whom she found on the floor of the second balcony, from the structure, and was obliged to climb over an iron gate in order to reach a stairway leading from the theatre. She was severely burned about the head and face. She asks for \$20,000 damages and names as the defendants the Iroquois Theatre Comfine of \$10 and imprisonment for thirty pany and the George A. Fuller Company which put up the building.

